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Per DLC Chambers, docket in:

11-cv-5201 11-cv-6188  
11-cv-6189 11-cv-6190  
11-cv-6192 11-cv-6193  
11-cv-6195 11-cv-6196  
11-cv-6198 11-cv-6200  
11-cv-6201 11-cv-6202  
11-cv-6203 11-cv-6739  
11-cv-7010 11-cv-7048

August 15, 2012

### Via E-mail

Hon. Denise L. Cote,  
United States District Judge,  
500 Pearl Street, Room 1610,  
New York, New York 10007-1312.

Re: *FHFA v. JPMorgan Chase & Co.*, 11 Civ. 6188 (DLC); *FHFA v. Credit Suisse Holdings (USA), Inc.*, 11 Civ. 6200 (DLC); *FHFA v. Goldman, Sachs & Co.*, 11 Civ. 6198 (DLC); *FHFA v. HSBC North America Holdings, Inc.*, 11 Civ. 6189 (DLC); *FHFA v. Deutsche Bank AG*, 11 Civ. 6192 (DLC); *FHFA v. Barclays Bank PLC*, 11 Civ. 6190 (DLC); *FHFA v. UBS Americas, Inc.*, 11 Civ. 5201 (DLC); *FHFA v. Morgan Stanley*, 11 Civ. 6739 (DLC); *FHFA v. General Electric Co.*, 11 Civ. 7048 (DLC); *FHFA v. Citigroup Inc.*, 11 Civ. 6196 (DLC); *FHFA v. First Horizon National Corp.*, 11 Civ. 6193 (DLC); *FHFA v. Nomura Holding America, Inc.*, 11 Civ. 6201 (DLC); *FHFA v. SG Americas, Inc.*, 11 Civ. 6203 (DLC)

Dear Judge Cote:

I write on behalf of the Defendants listed below to address the August 14, 2012 letter submitted by Merrill Lynch & Co. ("Merrill") concerning its proposed Motion for Reconsideration with respect to certain discovery issues discussed at the July 31, 2012 conference with the Court. The undersigned Defendants, who do not join in Merrill's application, do not understand the Court's statements at page 102:8-11 of the transcript of the July 31 conference to be a final order regarding the scope of document discovery. Rather, we understand that the Court deferred further consideration of that issue until additional documents are produced by Plaintiff, permitting Defendants to raise issues about the scope and contents of that production once it has been made. (See Tr. 100:20-101:1.)

Hon. Denise L. Cote

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Because Plaintiff has yet to produce the vast majority of the documents that it represented to the Court it would produce, the undersigned Defendants believe that the proper scope of discovery should be addressed on a more developed record, as the Court directed.<sup>1</sup> In the event that the Court prefers to receive further submissions at this time, the undersigned Defendants ask for an opportunity to address these issues separately.

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<sup>1</sup> Plaintiff's limited productions to date—including meeting minutes from Fannie Mae's Private Label Advisory Team—confirm that documents sought by Defendants contain highly relevant information about, for example, the disqualification of certain significant originators at issue in these actions from an approved list of originators.

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